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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,328

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Christoper James Massam

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EXAMINER

MCADAMS, BRAD

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,328	<b>Applicant(s)</b> MASSAM ET AL.	
	<b>Examiner</b> ROBERT B. MCADAMS	<b>Art Unit</b> 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the amendment filed on November 24, 2008.
2. Claims 21-27 are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to Claims 21-27 have been considered but are not persuasive. On Pages 5-6, the Applicant argues that the entire configuration is not downloaded each time the device is initialized. The examiner respectfully disagrees. The cited portion of Hughes, Column 10, Lines 62 through Column 11, Lines 8 cite an alternative embodiment wherein Appliance 132 is configured with a 'startup connection module' wherein the connection method is able to be configured. In the main embodiment presented by *Hughes* and relied on by the Examiner, Appliance 132 automatically chooses the connection to the server and downloads the configuration data (**Column 7, Lines 55-64**)

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 21-27** are rejected under 35 U.S.C. 102(e) as being anticipated by

*Hughes* (U.S. Patent No. 6,854,009).

2. As to **Claims 21 and 25**, *Hughes* discloses a method of providing a VPN communication between two network devices (**Appliance 132, Fig 1A; VPN Devices 144a and 144b, Figure 1B; Column 4, Lines 11-20**) of unknown network address and each of which loses its configuration data on power loss comprising providing a network device without user configuration data, providing within the network device a routine which securely contacts a remote verification authority, and downloading from a remote configuration authority authorized by the remote verification authority the entire configuration data each time the device is initialized (**Appliance 132 securely contacts a remote verification authority, server farm 100, via a VPN, to download and stores its configuration data in RAM, where the local configuration is lost upon power loss as is well known in the art when using RAM as a storage device. Column 4, Lines 56-65 and Paragraph bridging Column 7 and 8**)

storing devices allocated network addresses are stored at the server, the server being queriable for the allocated network addresses of the two or more network devices (**Server 100 is queried for initial configuration and user profile information. Paragraph bridging Column 7 and 8**) and wherein communications can be initiated between the two or more network addresses from this data (**Appliance 144a is able to**

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**initiate communications between Appliance 144b by dialing the Internet ID number. Column 12, Lines 37-39).**

As to **Claim 22**, *Hughes* further discloses wherein the two or more network devices are routers **(Appliance 132 and LAN/WAN/VPN Device 144a and 144b route data between the internet and the local network. Figure 1A and 1B).**

As to **Claim 23**, *Hughes* further discloses wherein the routers form part of ADSL modems **(Appliance 132 uses a DSL modem to connect to the internet. Column 7, Lines 55-64).**

As to **Claim 24**, *Hughes* further discloses wherein the configuration data is downloaded as a single transaction **(Column 8, Lines 1-5).**

As to **Claim 26**, *Hughes* further discloses wherein the configuration data remains unchanged for the duration of the network devices powered on cycle **(Column 26, Lines 27-30).**

As to **Claim 27**, *Hughes* further discloses wherein the configuration data is only downloaded upon a power up sequence **(Column 7, Lines 55-64).**

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT B. MCADAMS whose telephone number is (571)270-3309. The examiner can normally be reached on Monday-Thursday 6:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. B. M./  
Examiner, Art Unit 2456

/Ashok B. Patel/  
Primary Examiner, Art Unit 2456